

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CONTEMPT PETITION NO.95 OF 1992

Somnath Bhiku Kalekar & Ors. ...Petitioners

Versus

The State of Maharashtra & Ors. ...Respondents

Ms. A.R.S.Baxi for the Petitioners.

Shri D.A.Patil, A.G.P for the Respondent No.1.

Ms Kopikar for the Respondent Nos.5,6 and 7.

CORAM : ABHAY S.OKA, J.

DATED : APRIL 25, 2007.

P.C.:

1. Rule was issued by this Court on 22nd April, 1992. The contempt alleged in this Contempt Petition is of order dated 12th December, 1989 passed by this Court in Writ Petition No.4556 of 1989. The allegation in the contempt petition is that the said order was duly served on the concerned Respondents and notwithstanding the said order, the sixth Respondent issued an order on 05th February, 1992 appointing the fifth Respondent as an administrator of the third Respondent Village Panchayat. The allegation is that as per the order passed by this Court, the concerned Respondents were precluded from appointing an administrator.

2. An affidavit has been filed by Dr. Nitin Kareer

who was at the relevant time the Chief Executive Officer of the Zilla Parishad, Pune. He has set out in the said affidavit that an order was passed on 23rd October, 1989 by the then Chief Executive Officer appointing an administrator who had already taken charge on 02nd November, 1989. It is stated in the affidavit that after receiving order passed by this Court, his predecessor directed the Block Development Officer to act upon the order of this Court. On the basis of direction issued by the Block Development Officer, on 11th January, 1990 the administrator immediately withdrew himself from the responsibility as the administrator of the Village Panchayat. It is stated that subsequently the said Writ Petition has been dismissed.

3. Considering the explanation offered in the affidavit and considering the long passage of time, at this stage no case is made out for proceeding further under the Contempt of Courts Act, 1971. Notice issued earlier is discharged. Contempt Petition is disposed of.

JUDGE